



Sen. Ram Villivalam

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1 AMENDMENT TO SENATE BILL 818

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 818 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing  
5 Sections 2-3.62, 27A-5, and 34-18.8 and by adding Sections  
6 27-9.1a and 27-9.1b as follows:

7 (105 ILCS 5/2-3.62) (from Ch. 122, par. 2-3.62)

8 Sec. 2-3.62. Educational service centers.

9 (a) A regional network of educational service centers  
10 shall be established by the State Board of Education to  
11 coordinate and combine existing services in a manner which is  
12 practical and efficient and to provide new services to schools  
13 as provided in this Section. Services to be made available by  
14 such centers shall include the planning, implementation and  
15 evaluation of:

16 (1) (blank);

1 (2) computer technology education;

2 (3) mathematics, science and reading resources for  
3 teachers including continuing education, inservice  
4 training and staff development.

5 The centers may provide training, technical assistance,  
6 coordination and planning in other program areas such as  
7 school improvement, school accountability, financial planning,  
8 consultation, and services, career guidance, early childhood  
9 education, alcohol/drug education and prevention,  
10 comprehensive personal health and safety education and  
11 comprehensive sexual health ~~family life~~ ~~sex~~ education,  
12 electronic transmission of data from school districts to the  
13 State, alternative education and regional special education,  
14 and telecommunications systems that provide distance learning.  
15 Such telecommunications systems may be obtained through the  
16 Department of Central Management Services pursuant to Section  
17 405-270 of the Department of Central Management Services Law  
18 (20 ILCS 405/405-270). The programs and services of  
19 educational service centers may be offered to private school  
20 teachers and private school students within each service  
21 center area provided public schools have already been afforded  
22 adequate access to such programs and services.

23 Upon the abolition of the office, removal from office,  
24 disqualification for office, resignation from office, or  
25 expiration of the current term of office of the regional  
26 superintendent of schools, whichever is earlier, the chief

1 administrative officer of the centers serving that portion of  
2 a Class II county school unit outside of a city of 500,000 or  
3 more inhabitants shall have and exercise, in and with respect  
4 to each educational service region having a population of  
5 2,000,000 or more inhabitants and in and with respect to each  
6 school district located in any such educational service  
7 region, all of the rights, powers, duties, and  
8 responsibilities theretofore vested by law in and exercised  
9 and performed by the regional superintendent of schools for  
10 that area under the provisions of this Code or any other laws  
11 of this State.

12 The State Board of Education shall promulgate rules and  
13 regulations necessary to implement this Section. The rules  
14 shall include detailed standards which delineate the scope and  
15 specific content of programs to be provided by each  
16 Educational Service Center, as well as the specific planning,  
17 implementation and evaluation services to be provided by each  
18 Center relative to its programs. The Board shall also provide  
19 the standards by which it will evaluate the programs provided  
20 by each Center.

21 (b) Centers serving Class 1 county school units shall be  
22 governed by an 11-member board, 3 members of which shall be  
23 public school teachers nominated by the local bargaining  
24 representatives to the appropriate regional superintendent for  
25 appointment and no more than 3 members of which shall be from  
26 each of the following categories, including but not limited to

1 superintendents, regional superintendents, school board  
2 members and a representative of an institution of higher  
3 education. The members of the board shall be appointed by the  
4 regional superintendents whose school districts are served by  
5 the educational service center. The composition of the board  
6 will reflect the revisions of this amendatory Act of 1989 as  
7 the terms of office of current members expire.

8 (c) The centers shall be of sufficient size and number to  
9 assure delivery of services to all local school districts in  
10 the State.

11 (d) From monies appropriated for this program the State  
12 Board of Education shall provide grants paid from the Personal  
13 Property Tax Replacement Fund to qualifying Educational  
14 Service Centers applying for such grants in accordance with  
15 rules and regulations promulgated by the State Board of  
16 Education to implement this Section.

17 (e) The governing authority of each of the 18 regional  
18 educational service centers shall appoint a comprehensive  
19 personal health and safety education and comprehensive sexual  
20 health ~~family life~~ ~~sex~~ education advisory board consisting  
21 of 2 parents, 2 teachers, 2 school administrators, 2 school  
22 board members, 2 health care professionals, one library system  
23 representative, and the director of the regional educational  
24 service center who shall serve as chairperson of the advisory  
25 board so appointed. Members of the comprehensive personal  
26 health and safety education and comprehensive sexual health

1 ~~family life — sex~~ education advisory boards shall serve  
2 without compensation. Each of the advisory boards appointed  
3 pursuant to this subsection shall develop a plan for regional  
4 teacher-parent comprehensive personal health and safety  
5 education and comprehensive sexual health ~~family life — sex~~  
6 education training sessions and shall file a written report of  
7 such plan with the governing board of their regional  
8 educational service center. The directors of each of the  
9 regional educational service centers shall thereupon meet,  
10 review each of the reports submitted by the advisory boards  
11 and combine those reports into a single written report which  
12 they shall file with the Citizens Council on School Problems  
13 prior to the end of the regular school term of the 1987-1988  
14 school year.

15 (f) The 14 educational service centers serving Class I  
16 county school units shall be disbanded on the first Monday of  
17 August, 1995, and their statutory responsibilities and  
18 programs shall be assumed by the regional offices of  
19 education, subject to rules and regulations developed by the  
20 State Board of Education. The regional superintendents of  
21 schools elected by the voters residing in all Class I counties  
22 shall serve as the chief administrators for these programs and  
23 services.

24 (Source: P.A. 98-24, eff. 6-19-13; 98-647, eff. 6-13-14;  
25 99-30, eff. 7-10-15.)

1 (105 ILCS 5/27-9.1a new)

2 Sec. 27-9.1a. Comprehensive personal health and safety and  
3 comprehensive sexual health education.

4 (a) In this Section:

5 "Adapt" means to modify an evidence-based or  
6 evidence-informed program model for use with a particular  
7 demographic, ethnic, linguistic, or cultural group.

8 "Age and developmentally appropriate" means suitable to  
9 particular ages or age groups of children and adolescents,  
10 based on the developing cognitive, emotional, and behavioral  
11 capacity typical for the age or age group.

12 "Characteristics of effective programs" includes  
13 development, content, and implementation of such programs that  
14 (i) have been shown to be effective in terms of increasing  
15 knowledge, clarifying values and attitudes, increasing skills,  
16 and impacting behavior, (ii) are widely recognized by leading  
17 medical and public health agencies to be effective in changing  
18 sexual behaviors that lead to sexually transmitted infections,  
19 including HIV, unintended pregnancy, interpersonal violence,  
20 and sexual violence among young people, and (iii) are taught  
21 by professionals who provide a safe learning space, free from  
22 shame, stigma, and ideology and are trained in trauma-informed  
23 teaching methodologies.

24 "Complete" means aligns with the National Sex Education  
25 Standards.

26 "Comprehensive personal health and safety and

1 comprehensive sexual health education" means age and  
2 developmentally appropriate education that aligns with the  
3 National Sex Education Standards.

4 "Consent" means an affirmative, knowing, conscious,  
5 ongoing, and voluntary agreement to engage in interpersonal,  
6 physical, or sexual activity, which can be revoked at any  
7 point, including during the course of interpersonal, physical,  
8 or sexual activity.

9 "Culturally appropriate" means affirming culturally  
10 diverse individuals, families, and communities in an  
11 inclusive, respectful, and effective manner, including  
12 materials and instruction that are inclusive of race,  
13 ethnicity, language, cultural background, immigration status,  
14 religion, disability, gender, gender identity, gender  
15 expression, sexual orientation, and sexual behavior.

16 "Evidence-based program" means a program for which  
17 systematic, empirical research or evaluation has provided  
18 evidence of effectiveness.

19 "Evidence-informed program" means a program that uses the  
20 best available research and practice knowledge to guide  
21 program design and implementation.

22 "Gender stereotype" means a generalized view or  
23 preconception about what attributes, characteristics, or roles  
24 are or ought to be taught, possessed by, or performed by people  
25 based on their gender identity.

26 "Healthy relationships" means relationships between

1 individuals that consist of mutual respect, trust, honesty,  
2 support, fairness, equity, separate identities, physical and  
3 emotional safety, and good communication.

4 "Identity" means people's understanding of how they  
5 identify their sexual orientation, gender, gender identity, or  
6 gender expression without stereotypes, shame, or stigma.

7 "Inclusive" means inclusion of marginalized communities  
8 that include, but are not limited to, people of color,  
9 immigrants, people of diverse sexual orientations, gender  
10 identities, and gender expressions, people who are intersex,  
11 people with disabilities, people who have experienced  
12 interpersonal or sexual violence, and others.

13 "Interpersonal violence" means violent behavior used to  
14 establish power and control over another person.

15 "Medically accurate" means verified or supported by the  
16 weight of research conducted in compliance with accepted  
17 scientific methods and published in peer-reviewed journals, if  
18 applicable, or comprising information recognized as accurate  
19 and objective.

20 "Pre-exposure Prophylaxis (PrEP)" means medications  
21 approved by the federal Food and Drug Administration (FDA) and  
22 recommended by the United States Public Health Service or the  
23 federal Centers for Disease Control and Prevention for HIV  
24 pre-exposure prophylaxis and related pre-exposure prophylaxis  
25 services, including, but not limited to, HIV and sexually  
26 transmitted infection screening, treatment for sexually

1 transmitted infections, medical monitoring, laboratory  
2 services, and sexual health counseling, to reduce the  
3 likelihood of HIV infection for individuals who are not living  
4 with HIV but are vulnerable to HIV exposure.

5 "Post-exposure Prophylaxis (PeP)" means the medications  
6 that are recommended by the federal Centers for Disease  
7 Control and Prevention and other public health authorities to  
8 help prevent HIV infection after potential occupational or  
9 non-occupational HIV exposure.

10 "Sexual violence" means discrimination, bullying,  
11 harassment, including sexual harassment, sexual abuse, sexual  
12 assault, intimate partner violence, incest, rape, and human  
13 trafficking.

14 "Trauma informed" means to address vital information about  
15 sexuality and well-being that takes into consideration how  
16 adverse life experiences may potentially influence a person's  
17 well-being and decision making.

18 (b) All classes that teach comprehensive personal health  
19 and safety and comprehensive sexual health education shall  
20 satisfy the following criteria:

21 (1) Course material and instruction shall be age and  
22 developmentally appropriate, medically accurate,  
23 complete, culturally appropriate, inclusive, and trauma  
24 informed.

25 (2) Course material and instruction shall replicate  
26 evidence-based or evidence-informed programs or

1 substantially incorporate elements of evidence-based  
2 programs or evidence-informed programs or characteristics  
3 of effective programs.

4 (3) Course material and instruction shall be inclusive  
5 and sensitive to the needs of students based on their  
6 status as pregnant or parenting, living with STIs,  
7 including HIV, sexually active, asexual, or intersex or  
8 based on their gender, gender identity, gender expression,  
9 sexual orientation, sexual behavior, or disability.

10 (4) Course material and instruction shall be  
11 accessible to students with disabilities, which may  
12 include the use of a modified curriculum, materials,  
13 instruction in alternative formats, assistive technology,  
14 and auxiliary aids.

15 (5) Course material and instruction shall help  
16 students develop self-advocacy skills for effective  
17 communication with parents or guardians, health and social  
18 service professionals, other trusted adults, and peers  
19 about sexual health and relationships.

20 (6) Course material and instruction shall provide  
21 information to help students develop skills for developing  
22 healthy relationships and preventing and dealing with  
23 interpersonal violence and sexual violence.

24 (7) Course material and instruction shall provide  
25 information to help students safely use the Internet,  
26 including social media, dating or relationship websites or

1       applications, and texting.

2       (8) Course material and instruction shall provide  
3 information about local resources where students can  
4 obtain additional information and confidential services  
5 related to parenting, bullying, interpersonal violence,  
6 sexual violence, suicide prevention, sexual and  
7 reproductive health, mental health, substance abuse,  
8 sexual orientation, gender identity, gender expression,  
9 and other related issues.

10       (9) Course material and instruction shall include  
11 information about State laws related to minor  
12 confidentiality and minor consent, including exceptions,  
13 consent education, mandated reporting of child abuse and  
14 neglect, the safe relinquishment of a newborn child,  
15 minors' access to confidential health care and related  
16 services, school policies addressing the prevention of and  
17 response to interpersonal and sexual violence, school  
18 breastfeeding accommodations, and school policies  
19 addressing the prevention of and response to sexual  
20 harassment.

21       (10) Course material and instruction may not reflect  
22 or promote bias against any person on the basis of the  
23 person's race, ethnicity, language, cultural background,  
24 citizenship, religion, HIV status, family structures,  
25 disability, gender, gender identity, gender expression,  
26 sexual orientation, or sexual behavior.

1           (11) Course material and instruction may not employ  
2           gender stereotypes.

3           (12) Course material and instruction shall be  
4           inclusive of and may not be insensitive or unresponsive to  
5           the needs of survivors of interpersonal violence and  
6           sexual violence.

7           (13) Course material and instruction may not  
8           proselytize any religious doctrine.

9           (14) Course material and instruction may not  
10           deliberately withhold health-promoting or life-saving  
11           information about culturally appropriate health care and  
12           services, including reproductive health services, hormone  
13           therapy, and FDA-approved treatments and options,  
14           including, but not limited to, Pre-exposure Prophylaxis  
15           (PrEP) and Post-exposure Prophylaxis (PeP).

16           (15) Course material and instruction may not be  
17           inconsistent with the ethical imperatives of medicine and  
18           public health.

19           (c) A school may utilize guest lecturers or resource  
20           persons to provide instruction or presentations in accordance  
21           with Section 10-22.34b. Comprehensive personal health and  
22           safety and comprehensive sexual health education instruction  
23           and materials provided by guest lecturers or resource persons  
24           may not conflict with the provisions of this Section.

25           (d) No student shall be required to take or participate in  
26           any class or course in comprehensive personal health and

1 safety and comprehensive sexual health education. A student's  
2 parent or guardian may opt the student out of comprehensive  
3 personal health and safety and comprehensive sexual health  
4 education by submitting the request in writing. Refusal to  
5 take or participate in such a course or program may not be a  
6 reason for disciplinary action, academic penalty, suspension,  
7 or expulsion or any other sanction of a student. A school  
8 district may not require active parental consent for  
9 comprehensive personal health and safety and comprehensive  
10 sexual health education.

11 (e) An opportunity shall be afforded to individuals,  
12 including parents or guardians, to review the scope and  
13 sequence of instructional materials to be used in a class or  
14 course under this Section, either electronically or in person.  
15 A school district shall annually post, on its Internet website  
16 if one exists, which curriculum is used to provide  
17 comprehensive personal health and safety and comprehensive  
18 sexual health education and the name and contact information,  
19 including an email address, of school personnel who can  
20 respond to inquiries about instruction and materials.

21 (f) On or before August 1, 2022, the State Board of  
22 Education, in consultation with youth, parents, sexual health  
23 and violence prevention experts, health care providers, and  
24 advocates and education practitioners, including, but not  
25 limited to, administrators, regional superintendents of  
26 schools, teachers, and school support personnel, shall develop

1 and adopt rigorous learning standards in the area of  
2 comprehensive personal health and safety and comprehensive  
3 sexual health education, including, but not limited to, all of  
4 the National Sex Education Standards, as authored by the  
5 Future of Sex Education Initiative. As the National Sex  
6 Education Standards are updated, the State Board of Education  
7 shall update these learning standards.

8 (g) By no later than August 1, 2022, the State Board of  
9 Education shall make available resource materials developed in  
10 consultation with stakeholders, with the cooperation and input  
11 of experts that provide and entities that promote age and  
12 developmentally appropriate, medically accurate, complete,  
13 culturally appropriate, inclusive, and trauma-informed  
14 comprehensive personal health and safety and comprehensive  
15 sexual health education policy. Materials may include, without  
16 limitation, model comprehensive personal health and safety and  
17 comprehensive sexual health education resources and programs.  
18 The State Board of Education shall make these resource  
19 materials available on its Internet website, in a clearly  
20 identified and easily accessible place.

21 (h) Beginning no later than July 1, 2023, a school  
22 district shall provide:

23 (1) age and developmentally appropriate, medically  
24 accurate, complete, culturally appropriate, inclusive, and  
25 trauma-informed comprehensive personal health and safety  
26 education in kindergarten through the 5th grade in all

1       public schools; and

2           (2) age and developmentally appropriate, medically  
3       accurate, complete, culturally appropriate, inclusive, and  
4       trauma-informed comprehensive sexual health education in  
5       the 6th through 12th grades in all public schools.

6       (i) Schools may choose and adapt the age and  
7       developmentally appropriate, medically accurate, complete,  
8       culturally appropriate, inclusive, and trauma-informed  
9       comprehensive personal health and safety and comprehensive  
10       sexual health education curriculum that meets the specific  
11       needs of their community. All instruction and materials,  
12       including materials provided or presented by outside  
13       consultants, community groups, or organizations, may not  
14       conflict with the provisions of this Section.

15       (j) The State Board of Education shall, through existing  
16       reporting mechanisms if available, direct each school district  
17       to identify, if instruction on comprehensive personal health  
18       and safety and comprehensive sexual health education is  
19       provided, whether the instruction was provided by a teacher in  
20       the school, a consultant, or a community group or organization  
21       and specify the name of the outside consultant, community  
22       group, or organization; the number of students receiving  
23       instruction; the number of students excused from instruction;  
24       and the duration of instruction and shall report the results  
25       of this inquiry to the General Assembly annually, for a period  
26       of 5 years beginning one year after the effective date of this

1 amendatory Act of the 102nd General Assembly.

2 (105 ILCS 5/27-9.1b new)

3 Sec. 27-9.1b. Consent education.

4 (a) In this Section:

5 "Age and developmentally appropriate" has the meaning  
6 ascribed to that term in Section 27-9.1a.

7 "Consent" has the meaning ascribed to that term in Section  
8 27-9.1a.

9 (b) A school district shall provide age and  
10 developmentally appropriate consent education in the 3rd  
11 through 12th grades.

12 (1) In the 3rd through 5th grades, instruction and  
13 materials shall include age and developmentally  
14 appropriate instruction on consent and how to give and  
15 receive consent, including a discussion that includes, but  
16 is not limited to, all of the following:

17 (A) Setting appropriate physical boundaries with  
18 others.

19 (B) Respecting the physical boundaries of others.

20 (C) The right to refuse to engage in behaviors or  
21 activities that are uncomfortable or unsafe.

22 (D) Dealing with unwanted physical contact.

23 (E) Helping a peer deal with unwanted physical  
24 contact.

25 (2) In the 6th through 12th grades, instruction and

1 materials shall include age and developmentally  
2 appropriate instruction on consent and how to give and  
3 receive consent, including a discussion that includes, but  
4 is not limited to, all of the following:

5 (A) That consent is a freely given agreement to  
6 sexual activity.

7 (B) That consent to one particular sexual activity  
8 does not constitute consent to other types of sexual  
9 activities.

10 (C) That a person's lack of verbal or physical  
11 resistance or submission resulting from the use or  
12 threat of force does not constitute consent.

13 (D) That a person's manner of dress does not  
14 constitute consent.

15 (E) That a person's consent to past sexual  
16 activity does not constitute consent to future sexual  
17 activity.

18 (F) That a person's consent to engage in sexual  
19 activity with one person does not constitute consent  
20 to engage in sexual activity with another person.

21 (G) That a person can withdraw consent at any  
22 time.

23 (H) That a person cannot consent to sexual  
24 activity if that person is unable to understand the  
25 nature of the activity or give knowing consent due to  
26 certain circumstances that include, but are not

1           limited to:

2                   (i) the person is incapacitated due to the use  
3                   or influence of alcohol or drugs;

4                   (ii) the person is asleep or unconscious;

5                   (iii) the person is a minor; or

6                   (iv) the person is incapacitated due to a  
7                   mental disability.

8                   (I) The legal age of consent in this State.

9           (105 ILCS 5/27A-5)

10          Sec. 27A-5. Charter school; legal entity; requirements.

11          (a) A charter school shall be a public, nonsectarian,  
12 nonreligious, non-home based, and non-profit school. A charter  
13 school shall be organized and operated as a nonprofit  
14 corporation or other discrete, legal, nonprofit entity  
15 authorized under the laws of the State of Illinois.

16          (b) A charter school may be established under this Article  
17 by creating a new school or by converting an existing public  
18 school or attendance center to charter school status.  
19 Beginning on April 16, 2003 (the effective date of Public Act  
20 93-3), in all new applications to establish a charter school  
21 in a city having a population exceeding 500,000, operation of  
22 the charter school shall be limited to one campus. The changes  
23 made to this Section by Public Act 93-3 do not apply to charter  
24 schools existing or approved on or before April 16, 2003 (the  
25 effective date of Public Act 93-3).

1           (b-5) In this subsection (b-5), "virtual-schooling" means  
2 a cyber school where students engage in online curriculum and  
3 instruction via the Internet and electronic communication with  
4 their teachers at remote locations and with students  
5 participating at different times.

6           From April 1, 2013 through December 31, 2016, there is a  
7 moratorium on the establishment of charter schools with  
8 virtual-schooling components in school districts other than a  
9 school district organized under Article 34 of this Code. This  
10 moratorium does not apply to a charter school with  
11 virtual-schooling components existing or approved prior to  
12 April 1, 2013 or to the renewal of the charter of a charter  
13 school with virtual-schooling components already approved  
14 prior to April 1, 2013.

15           (c) A charter school shall be administered and governed by  
16 its board of directors or other governing body in the manner  
17 provided in its charter. The governing body of a charter  
18 school shall be subject to the Freedom of Information Act and  
19 the Open Meetings Act. No later than January 1, 2021 (one year  
20 after the effective date of Public Act 101-291), a charter  
21 school's board of directors or other governing body must  
22 include at least one parent or guardian of a pupil currently  
23 enrolled in the charter school who may be selected through the  
24 charter school or a charter network election, appointment by  
25 the charter school's board of directors or other governing  
26 body, or by the charter school's Parent Teacher Organization

1 or its equivalent.

2 (c-5) No later than January 1, 2021 (one year after the  
3 effective date of Public Act 101-291) or within the first year  
4 of his or her first term, every voting member of a charter  
5 school's board of directors or other governing body shall  
6 complete a minimum of 4 hours of professional development  
7 leadership training to ensure that each member has sufficient  
8 familiarity with the board's or governing body's role and  
9 responsibilities, including financial oversight and  
10 accountability of the school, evaluating the principal's and  
11 school's performance, adherence to the Freedom of Information  
12 Act and the Open Meetings Act, and compliance with education  
13 and labor law. In each subsequent year of his or her term, a  
14 voting member of a charter school's board of directors or  
15 other governing body shall complete a minimum of 2 hours of  
16 professional development training in these same areas. The  
17 training under this subsection may be provided or certified by  
18 a statewide charter school membership association or may be  
19 provided or certified by other qualified providers approved by  
20 the State Board of Education.

21 (d) For purposes of this subsection (d), "non-curricular  
22 health and safety requirement" means any health and safety  
23 requirement created by statute or rule to provide, maintain,  
24 preserve, or safeguard safe or healthful conditions for  
25 students and school personnel or to eliminate, reduce, or  
26 prevent threats to the health and safety of students and

1 school personnel. "Non-curricular health and safety  
2 requirement" does not include any course of study or  
3 specialized instructional requirement for which the State  
4 Board has established goals and learning standards or which is  
5 designed primarily to impart knowledge and skills for students  
6 to master and apply as an outcome of their education.

7 A charter school shall comply with all non-curricular  
8 health and safety requirements applicable to public schools  
9 under the laws of the State of Illinois. On or before September  
10 1, 2015, the State Board shall promulgate and post on its  
11 Internet website a list of non-curricular health and safety  
12 requirements that a charter school must meet. The list shall  
13 be updated annually no later than September 1. Any charter  
14 contract between a charter school and its authorizer must  
15 contain a provision that requires the charter school to follow  
16 the list of all non-curricular health and safety requirements  
17 promulgated by the State Board and any non-curricular health  
18 and safety requirements added by the State Board to such list  
19 during the term of the charter. Nothing in this subsection (d)  
20 precludes an authorizer from including non-curricular health  
21 and safety requirements in a charter school contract that are  
22 not contained in the list promulgated by the State Board,  
23 including non-curricular health and safety requirements of the  
24 authorizing local school board.

25 (e) Except as otherwise provided in the School Code, a  
26 charter school shall not charge tuition; provided that a

1 charter school may charge reasonable fees for textbooks,  
2 instructional materials, and student activities.

3 (f) A charter school shall be responsible for the  
4 management and operation of its fiscal affairs including, but  
5 not limited to, the preparation of its budget. An audit of each  
6 charter school's finances shall be conducted annually by an  
7 outside, independent contractor retained by the charter  
8 school. To ensure financial accountability for the use of  
9 public funds, on or before December 1 of every year of  
10 operation, each charter school shall submit to its authorizer  
11 and the State Board a copy of its audit and a copy of the Form  
12 990 the charter school filed that year with the federal  
13 Internal Revenue Service. In addition, if deemed necessary for  
14 proper financial oversight of the charter school, an  
15 authorizer may require quarterly financial statements from  
16 each charter school.

17 (g) A charter school shall comply with all provisions of  
18 this Article, the Illinois Educational Labor Relations Act,  
19 all federal and State laws and rules applicable to public  
20 schools that pertain to special education and the instruction  
21 of English learners, and its charter. A charter school is  
22 exempt from all other State laws and regulations in this Code  
23 governing public schools and local school board policies;  
24 however, a charter school is not exempt from the following:

25 (1) Sections 10-21.9 and 34-18.5 of this Code  
26 regarding criminal history records checks and checks of

1 the Statewide Sex Offender Database and Statewide Murderer  
2 and Violent Offender Against Youth Database of applicants  
3 for employment;

4 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and  
5 34-84a of this Code regarding discipline of students;

6 (3) the Local Governmental and Governmental Employees  
7 Tort Immunity Act;

8 (4) Section 108.75 of the General Not For Profit  
9 Corporation Act of 1986 regarding indemnification of  
10 officers, directors, employees, and agents;

11 (5) the Abused and Neglected Child Reporting Act;

12 (5.5) subsection (b) of Section 10-23.12 and  
13 subsection (b) of Section 34-18.6 of this Code;

14 (6) the Illinois School Student Records Act;

15 (7) Section 10-17a of this Code regarding school  
16 report cards;

17 (8) the P-20 Longitudinal Education Data System Act;

18 (9) Section 27-23.7 of this Code regarding bullying  
19 prevention;

20 (10) Section 2-3.162 of this Code regarding student  
21 discipline reporting;

22 (11) Sections 22-80 and 27-8.1 of this Code;

23 (12) Sections 10-20.60 and 34-18.53 of this Code;

24 (13) Sections 10-20.63 and 34-18.56 of this Code;

25 (14) Section 26-18 of this Code;

26 (15) Section 22-30 of this Code;

- 1           (16) Sections 24-12 and 34-85 of this Code;
- 2           (17) the Seizure Smart School Act; ~~and~~
- 3           (18) Section 2-3.64a-10 of this Code; ~~and~~
- 4           (19) Section 27-9.1a of this Code;
- 5           (20) Section 27-9.1b of this Code; and
- 6           (21) Section 34-18.8 of this Code.

7           The change made by Public Act 96-104 to this subsection  
8 (g) is declaratory of existing law.

9           (h) A charter school may negotiate and contract with a  
10 school district, the governing body of a State college or  
11 university or public community college, or any other public or  
12 for-profit or nonprofit private entity for: (i) the use of a  
13 school building and grounds or any other real property or  
14 facilities that the charter school desires to use or convert  
15 for use as a charter school site, (ii) the operation and  
16 maintenance thereof, and (iii) the provision of any service,  
17 activity, or undertaking that the charter school is required  
18 to perform in order to carry out the terms of its charter.  
19 However, a charter school that is established on or after  
20 April 16, 2003 (the effective date of Public Act 93-3) and that  
21 operates in a city having a population exceeding 500,000 may  
22 not contract with a for-profit entity to manage or operate the  
23 school during the period that commences on April 16, 2003 (the  
24 effective date of Public Act 93-3) and concludes at the end of  
25 the 2004-2005 school year. Except as provided in subsection  
26 (i) of this Section, a school district may charge a charter

1 school reasonable rent for the use of the district's  
2 buildings, grounds, and facilities. Any services for which a  
3 charter school contracts with a school district shall be  
4 provided by the district at cost. Any services for which a  
5 charter school contracts with a local school board or with the  
6 governing body of a State college or university or public  
7 community college shall be provided by the public entity at  
8 cost.

9 (i) In no event shall a charter school that is established  
10 by converting an existing school or attendance center to  
11 charter school status be required to pay rent for space that is  
12 deemed available, as negotiated and provided in the charter  
13 agreement, in school district facilities. However, all other  
14 costs for the operation and maintenance of school district  
15 facilities that are used by the charter school shall be  
16 subject to negotiation between the charter school and the  
17 local school board and shall be set forth in the charter.

18 (j) A charter school may limit student enrollment by age  
19 or grade level.

20 (k) If the charter school is approved by the State Board or  
21 Commission, then the charter school is its own local education  
22 agency.

23 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;  
24 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.  
25 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50,  
26 eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20;

1 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; 101-654, eff.  
2 3-8-21.)

3 (105 ILCS 5/34-18.8) (from Ch. 122, par. 34-18.8)

4 Sec. 34-18.8. HIV ~~AIDS~~ training. School guidance  
5 counselors, nurses, teachers, school social workers, and other  
6 school personnel who work with students shall ~~pupils may~~ be  
7 trained to have a basic knowledge of matters relating to human  
8 immunodeficiency virus (HIV) ~~acquired immunodeficiency~~  
9 ~~syndrome (AIDS)~~, including the nature of the infection  
10 ~~disease~~, its causes and effects, the means of detecting it and  
11 preventing its transmission, the availability of appropriate  
12 sources of counseling and referral, and any other medically  
13 accurate information that is age and developmentally  
14 appropriate for ~~may be appropriate considering the age and~~  
15 ~~grade level of~~ such students ~~pupils~~. The Board of Education  
16 shall supervise such training. The State Board of Education  
17 and the Department of Public Health shall jointly develop  
18 standards for such training.

19 (Source: P.A. 86-900.)

20 (105 ILCS 5/27-9.1 rep.)

21 (105 ILCS 5/27-9.2 rep.)

22 (105 ILCS 5/27-11 rep.)

23 Section 10. The School Code is amended by repealing  
24 Sections 27-9.1, 27-9.2, and 27-11.

1 Section 15. The Critical Health Problems and Comprehensive  
2 Health Education Act is amended by changing Section 3 as  
3 follows:

4 (105 ILCS 110/3)

5 Sec. 3. Comprehensive Health Education Program. The  
6 program established under this Act shall include, but not be  
7 limited to, the following major educational areas as a basis  
8 for curricula in all elementary and secondary schools in this  
9 State: human ecology and health, human growth and development,  
10 the emotional, psychological, physiological, hygienic, and  
11 social responsibilities of family life, culturally,  
12 developmentally, and age-appropriate, medically accurate, and  
13 evidence-based or evidence-informed information regarding  
14 ~~including sexual abstinence until marriage, prevention and~~  
15 ~~control of disease, including instruction in grades 6 through~~  
16 ~~12~~ on the prevention, transmission, and treatment of sexually  
17 transmitted infections, including HIV/AIDS ~~spread of AIDS,~~  
18 age-appropriate sexual abuse and assault awareness and  
19 prevention education in grades pre-kindergarten through 12,  
20 public and environmental health, consumer health, safety  
21 education and disaster survival, mental health and illness,  
22 personal health habits, alcohol ~~and~~ drug use ~~and~~ abuse,  
23 including the medical and legal ramifications of alcohol,  
24 drug, and tobacco use, abuse during pregnancy, ~~evidence-based~~

1 ~~and medically accurate information regarding sexual~~  
2 ~~abstinence,~~ tobacco, nutrition, and dental health. The  
3 instruction on mental health and illness must evaluate the  
4 multiple dimensions of health by reviewing the relationship  
5 between physical and mental health so as to enhance student  
6 understanding, attitudes, and behaviors that promote health,  
7 well-being, and human dignity. The program shall also provide  
8 course material and instruction to advise students ~~pupils~~ of  
9 the Abandoned Newborn Infant Protection Act. The program shall  
10 include medically accurate information about cancer,  
11 including, without limitation, types of cancer, signs and  
12 symptoms, risk factors, the importance of early prevention and  
13 detection, and information on where to go for help.  
14 Notwithstanding the above educational areas, the following  
15 areas may also be included as a basis for curricula in all  
16 elementary and secondary schools in this State: basic first  
17 aid (including, but not limited to, cardiopulmonary  
18 resuscitation and the Heimlich maneuver), heart disease,  
19 diabetes, stroke, the prevention of child abuse, neglect, and  
20 suicide, and teen dating violence in grades 7 through 12.  
21 Beginning with the 2014-2015 school year, training on how to  
22 properly administer cardiopulmonary resuscitation (which  
23 training must be in accordance with standards of the American  
24 Red Cross, the American Heart Association, or another  
25 nationally recognized certifying organization) and how to use  
26 an automated external defibrillator shall be included as a

1 basis for curricula in all secondary schools in this State.

2 The school board of each public elementary and secondary  
3 school in the State shall encourage all teachers and other  
4 school personnel to acquire, develop, and maintain the  
5 knowledge and skills necessary to properly administer  
6 life-saving techniques, including, without limitation, the  
7 Heimlich maneuver and rescue breathing. The training shall be  
8 in accordance with standards of the American Red Cross, the  
9 American Heart Association, or another nationally recognized  
10 certifying organization. A school board may use the services  
11 of non-governmental entities whose personnel have expertise in  
12 life-saving techniques to instruct teachers and other school  
13 personnel in these techniques. Each school board is encouraged  
14 to have in its employ, or on its volunteer staff, at least one  
15 person who is certified, by the American Red Cross or by  
16 another qualified certifying agency, as qualified to  
17 administer first aid and cardiopulmonary resuscitation. In  
18 addition, each school board is authorized to allocate  
19 appropriate portions of its institute or inservice days to  
20 conduct training programs for teachers and other school  
21 personnel who have expressed an interest in becoming qualified  
22 to administer emergency first aid or cardiopulmonary  
23 resuscitation. School boards are urged to encourage their  
24 teachers and other school personnel who coach school athletic  
25 programs and other extracurricular school activities to  
26 acquire, develop, and maintain the knowledge and skills

1 necessary to properly administer first aid and cardiopulmonary  
2 resuscitation in accordance with standards and requirements  
3 established by the American Red Cross or another qualified  
4 certifying agency. Subject to appropriation, the State Board  
5 of Education shall establish and administer a matching grant  
6 program to pay for half of the cost that a school district  
7 incurs in training those teachers and other school personnel  
8 who express an interest in becoming qualified to administer  
9 cardiopulmonary resuscitation (which training must be in  
10 accordance with standards of the American Red Cross, the  
11 American Heart Association, or another nationally recognized  
12 certifying organization) or in learning how to use an  
13 automated external defibrillator. A school district that  
14 applies for a grant must demonstrate that it has funds to pay  
15 half of the cost of the training for which matching grant money  
16 is sought. The State Board of Education shall award the grants  
17 on a first-come, first-serve basis.

18 No student pupil shall be required to take or participate  
19 in any class or course on HIV/AIDS ~~AIDS~~ or family life  
20 instruction or to receive training on how to properly  
21 administer cardiopulmonary resuscitation or how to use an  
22 automated external defibrillator if the student's ~~his or her~~  
23 parent or guardian submits written objection thereto, and  
24 refusal to take or participate in the course or program or the  
25 training shall not be reason for suspension or expulsion of  
26 the student pupil.

1 Curricula developed under programs established in  
2 accordance with this Act in the major educational area of  
3 alcohol and drug use and abuse shall include classroom  
4 instruction in grades 5 through 12. The instruction, which  
5 shall include matters relating to both the physical and legal  
6 effects and ramifications of drug and substance abuse, shall  
7 be integrated into existing curricula; and the State Board of  
8 Education shall develop and make available to all elementary  
9 and secondary schools in this State instructional materials  
10 and guidelines which will assist the schools in incorporating  
11 the instruction into their existing curricula. In addition,  
12 school districts may offer, as part of existing curricula  
13 during the school day or as part of an after school program,  
14 support services and instruction for students ~~pupils~~ or  
15 students ~~pupils~~ whose parent, parents, or guardians are  
16 chemically dependent.

17 (Source: P.A. 101-305, eff. 1-1-20; revised 8-21-20.)

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law."